



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **MP-6**
758.041

May 12, 2005

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DARBY DRAIN - PARCELS 1A AND 1B
AGREEMENT AND GRANT OF EASEMENT - CITY OF LOS ANGELES
SUPERVISORIAL DISTRICT 3
3 VOTES**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Approve the enclosed Agreement and Grant of Easement between the Los Angeles County Flood Control District and the Trustees of the California State University to construct, operate, and maintain a covered storm drain and appurtenant structures for Darby Drain, Parcels 1A and 1B, located east of the intersection of Halsted Street and Lindley Avenue, in the City of Los Angeles.
2. Instruct the Chair to sign the Agreement and Grant of Easement and authorize delivery to the University.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In 1991, the Trustees of the California State University executed a Permit allowing the District to construct a covered storm drain and appurtenant structures within a portion of its property located east of the intersection of Halstead Street and Lindley Avenue, in the City of Los Angeles. The Permit terminates upon the District's acquisition of

permanent rights. After years of negotiations, the University executed an Agreement and Grant of Easement allowing the ongoing operation and maintenance of the improvements.

Implementation of Strategic Plan Goals

This action is consistent with the Strategic Plan Goal of Service Excellence since the maintenance of our flood control facilities is needed to provide protection that improves the quality of life to the residents in the area.

FISCAL IMPACT/FINANCING

None.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In addition to the easement right conveyed, the Agreement and Grant of Easement outlines each agency's responsibility regarding future relocations, damages, and indemnification. The Agreement and Grant of Easement has been reviewed and approved by County Counsel and will be recorded.

ENVIRONMENTAL DOCUMENTATION

With respect to the requirements of the California Environmental Quality Act, on March 26, 1991, Synopsis 39, your Board determined that this project was categorically exempt under Class 3, Subsection (q) of the Environmental Document Reporting Procedures and Guidelines, adopted by your Board on November 17, 1987, Synopsis 57.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

None.

CONCLUSION

This action is in the District's best interest. Enclosed are an original and two duplicates of the Agreement and Grant of Easement. Please have the original and duplicates signed by the Chair and acknowledged by the Executive Officer of the Board. Please return the executed original and one duplicate to this office, retaining a duplicate for your files.

The Honorable Board of Supervisors
May 12, 2005
Page 3

One approved copy of this letter is requested.

Respectfully submitted,

DONALD L. WOLFE
Acting Director of Public Works

WDS:in
P6:blDRBY DRN1A.doc

Enc.

cc: Chief Administrative Office
County Counsel

DUPLICATE

RECORDING REQUESTED BY
AND MAIL TO:

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
P.O. Box 1460
Alhambra, CA 91802-1460
Attention: Mapping & Property
Management Division
R/W Engineering Section

Space Above This Line Reserved for Recorder's Use

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX
PURSUANT TO SECTION 11922 OF THE REVENUE & TAXATION CODE

Assessor's Identification Number:
2764-016-911 (Portion)

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT
TO SECTION 27383 OF THE GOVERNMENT CODE

AGREEMENT AND GRANT OF EASEMENT

This Agreement and Grant of Easement is entered into by and between the TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, hereinafter referred to as "Trustees," acting by and through their duly delegated agent and the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic, hereinafter referred to as "District."

Trustees, pursuant to the provisions of Section 89048 of the Education Code of the State of California, and in consideration of the sum of \$NONE, receipt of which is hereby acknowledged, hereby grant unto District, its successors and assigns forever, a permanent easement for the construction, reconstruction, operation, and maintenance of a covered storm drain and appurtenant structures in, on, over, under, and across the real property in The City of Los Angeles, County of Los Angeles, State of California, described as Parcel 1A in Exhibit "A" attached hereto and by this reference made a part hereof.

Together with a permanent easement for the construction, reconstruction, operation, and maintenance of a covered storm drain in, on, under, and across the real property in The City of Los Angeles, County of Los Angeles, State of California, described as Parcel 1B in said Exhibit "A."

Trustees further grant the right to enter upon and to pass and repass over and along said easements and rights of way and to deposit tools, implements and other materials thereon by said District, its officers, agents and employees, and by persons under contract with it and their employees, whenever and wherever necessary for the purposes above set forth.

As to Parcel 1B, as described in Exhibit "A," the right is reserved to the Trustees, their successors, and assigns, to construct, reconstruct, maintain, and operate any building, structure, or other improvements on, over, and across said easement for covered storm drain subject to the condition that the Trustees, their successors, or assigns, will not perform or arrange for the performance of any construction or reconstruction work on any building, structure, or other improvement until the plans and specifications for

DARBY DRAIN	1A
Includes Parcel 1B	
758-RW 1	
S.D. 3	M9192164

such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District, provided, however, that such written approval shall not be withheld if the proposed improvements will not interfere with the normal operation and maintenance of the covered storm drain and provided the total load imposed by such proposed building, structures, fill, other improvements, and existing overburden does not exceed the sum of the design earth loads plus a live load of an H-20 loading as defined in the Standard Specifications for Bridges, adopted by the American Association of State Highway Officials, Tenth Edition; and further, should the District in the exercise of any of the rights acquired herein, remove or damage any landscaping or other improvements constructed by the Trustees, said District shall compensate the Trustees for same.

PROVIDED, this Agreement and Grant of Easement is subject to the following terms and conditions:

1. This Grant is subject to existing contracts, leases, licenses, easements, encumbrances, and claims which may affect said property and the use of the word "Grant" herein shall not be construed as a covenant against the existence of any thereof.
2. District waives all claims against Trustees, their officers, agents, and employees, for loss or damage caused by, arising out of, or in any way connected with the exercise of this Easement, and District agrees to save harmless, indemnify, and defend Trustees, their officers, agents, and employees, from any and all loss, damage or liability which may be suffered or incurred by Trustees, their officers, agents, and employees caused by, arising out of, or in any way connected with exercise by District of the rights hereby granted, except to the extent that the loss, damage, or liability arises out of the negligence of Trustees.
3. Trustees reserve the right to use said real property in any manner, provided such use does not unreasonably interfere with District's rights hereunder.
4. Trustees reserve the right to require District at Trustees' expense to remove and relocate all improvements placed by District upon said real property, upon determination by Trustees that the same interfere with future development of Trustees' property. Within 180 days after Trustees' written notice and demand for removal and relocation of the improvements, District shall remove and relocate the improvements to a feasible location on the property of State, as designated by Trustees and Trustees shall furnish District with an easement in such new location, on the same terms and conditions as herein stated, without cost to District, and District thereupon shall reconvey to Trustees the Easement herein granted.
5. This Easement shall terminate in the event District fails for a continuous period of 18 months to use the Easement for the purposes herein granted. Upon such termination, District shall forthwith upon service of written demand, deliver to Trustees a quitclaim deed, to its right, title, and interest hereunder, and shall, on Trustees' request, without cost to Trustees and within 90 days from written demand by Trustees, remove all property placed by or for District upon said property and restore said premises as nearly as possible to the same condition they were in prior to the execution of this Easement. In the event District should fail to restore the premises in accordance with such request, Trustees may do so at the risk of District, and all costs of such removal and restoration shall be paid by District upon demand.

6. Except for emergencies, District shall provide to Trustees adequate advance written notice of its entering the easement, and coordinate with Trustees all authorized activity in the easement in a manner agreeable to Trustees.


Dated April 14, 2003

APPROVAL RECOMMENDED



Colin Donahue

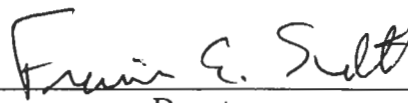
APPROVED: TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY

By 
J. PATRICK DROHAN
Assistant Vice Chancellor

DISTRICT: LOS ANGELES COUNTY FLOOD
CONTROL DISTRICT,
a body corporate and politic

By _____
Chair, Board of Supervisors
of Los Angeles County Flood
Control District

APPROVED AS TO FORM AND CONTENT
RAYMOND G. FORTNER, JR., County Counsel

By 
Deputy

(LACFCD - SEAL)

ATTEST:

VIOLET VARONA-LUKENS, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

ACKNOWLEDGMENT FORM

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On APRIL 14, 2003, before me, HEATHER D. REUTER, NOTARY PUBLIC,
the undersigned, personally appeared J. PATRICK DROTAN, ASSISTANT
(insert name and title)

VICE CHANCELLOR

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Heather D. Reuter

Signature

HEATHER D. REUTER

(Name, Typed or Printed)



(Seal)

NOTARIES: ATTACH ADDITIONAL OR OTHER FORMS, IF REQUIRED

ACKNOWLEDGMENT FORM (FOR COUNTY USE ONLY)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On _____, before me, CONNY B. McCORMACK, Registrar-Recorder/County Clerk of the
County of Los Angeles, personally appeared _____

_____ personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity on behalf of which the person(s) acted,
executed the instrument.

WITNESS my hand and official seal.

CONNY B. McCORMACK, Registrar-Recorder/
County Clerk of the County of Los Angeles

By _____
Deputy County Clerk

(Seal)

APPROVED as to title and execution,
_____, 20_____
DEPARTMENT OF PUBLIC WORKS
Mapping & Property Management Division

MARTIN J. YOUNG
Supervising Title Examiner III

By _____

FOR COUNTY USE ONLY

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring his/her signature.

The undersigned hereby certifies that on this _____ day of _____, 20_____, the facsimile signature of _____, Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT was affixed hereto as the official execution of this document. The undersigned further certifies that on this date, a copy of the document was delivered to the Chair of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

IN WITNESS WHEREOF, I have also hereunto set my hand and affixed my official seal the day and year above written.

VIOLET VARONA-LUKENS, Executive officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

(LACFCD - SEAL)

APPROVED as to form
RAYMOND G. FORTNER, JR. County Counsel

By  _____
Deputy

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, Violet Varona-Lukens, Executive Officer of the Board of Supervisors of the County of Los Angeles, and ex official clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the attached Agreement and Grant of Easement conveying an easement for covered storm drain and appurtenant structures and an easement for covered storm drain was accepted on behalf of the Los Angeles County Flood Control District on _____, 20_____, (Board Order No. _____) by the Board of Supervisors of the County of Los Angeles, and ex officio of the governing body of all other assessment and taxing districts for which said Board so acts.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Los Angeles this _____ day of _____, 20_____.

VIOLET VARONA-LUKENS, Executive officer of
the Board of Supervisors of the County of Los
Angeles, and ex officio clerk of the governing body
of all other special assessment and taxing districts
for which said board so acts.

By _____
Deputy

DARBY DRAIN 1A
Includes Parcel No. 1B
C.I. 56 (B5)
758-RW 1
Third District
T.G. 7 (C-4)

PARCEL NO. 1A (Easement for covered storm drain and appurtenant structures):

That portion of the northeast quarter of Section 23, T. 2 N., R. 16 W., of the Northern Portion of the Rancho Ex Mission de San Fernando, as shown on Recorder's Filed Map No. 238, on file in the office of the Recorder of the County of Los Angeles, within a strip of land 12 feet wide, the northerly side line of said strip being described as follows:

Commencing at the intersection of the center line of Halsted Street, 60 feet wide, and the easterly side line of Lindley Avenue, 30 feet wide, as both said center line and said easterly side line are shown on map filed in Book 86, pages 58 to 61, inclusive, of Record of Surveys, in the office of said Recorder; thence along said easterly side line, S. 0° 00' 03" W. 43.00 feet to the true point of beginning; thence S. 89° 59' 57" E. 37.00 feet.

The area of the above-described parcel of land is 444 square feet, more or less.

PARCEL NO. 1B (Easement for covered storm drain):

That portion of the northeast quarter of Section 23, T. 2 N., R. 16 W., of the Northern Portion of the Rancho Ex Mission de San Fernando, as shown on Recorder's Filed Map No. 238, on file in the office of the Recorder of the County of Los Angeles, within a strip of land 10 feet wide, lying 5 feet on each side of the following-described line:

Commencing at the intersection of the center line of Halsted Street, 60 feet wide, and the easterly side line of Lindley Avenue, 30 feet wide, as both said center line and said easterly side line are shown on map filed in Book 86, pages 58 to 61, inclusive, of Record of Surveys, in the office of said Recorder; thence along said easterly side line, S. 0° 00' 03" W. 43.00 feet; thence S. 89° 59' 57" E. 15.00 feet to the true point of beginning; thence N. 0° 00' 03" E. 16.00 feet to the beginning of a tangent curve concave to the southwest and having a radius of 22.50 feet; thence northerly, northwesterly and westerly along said curve, an arc distance of 35.33 feet.

The area of the above-described parcel of land is 437 square feet, more or less.

APPROVED AS TO DESCRIPTION

APRIL 28 20 03

COUNTY OF LOS ANGELES

BY Douglas W. Davis
SUPERVISING CADASTRAL ENGINEER I
Mapping & Property Management Division

EXHIBIT A

2764-016-911